

What's Up?

MAYBE THE AGE of pilots flying for United States airlines.

In 1959, the Federal Aviation Administration (FAA) established a rule (the "Age-60" Rule) that required airline pilots to retire upon reaching their 60th birthday.

Since that time, there have been many unsuccessful petitions to exempt people from the rule, and many unsuccessful challenges to the rule in court. Although there have been several research studies performed to determine if a change to the rule was appropriate, the results have always been insufficient to support such a change.

In 1978, the International Civil Aviation Organization (ICAO) modified their standards to permit first officers to fly until their 65th birthday,



Should the FAA Change Its Age-60 Rule?

and in 1999, the Joint Aviation Authority (JAA) in Europe adopted an age-65 rule that allowed either pilot to fly until his or her 65th birthday as long as the other pilot was under 60.

Both of these changes have made the U.S. position more difficult to defend because of the Chicago Convention, an agreement that requires ICAO countries to allow airlines from other ICAO countries to enter if they meet ICAO standards. So, while the U.S. has steadfastly adhered to the Age-60 rule for U.S. airlines, we have allowed airlines from other ICAO countries to fly in and out of our country for years with co-pilots who are over 60.

Effective this November, the ICAO standard will change for multi-crew settings to allow pilots to serve as pilot-in-command up to age 65, provided the other pilot is under age 60.

As you might imagine, this new ICAO standard has created a lot of angst in the U.S. airline community. The question is, "Should the FAA change its Age-60 rule to mirror the ICAO standard?"

For various reasons, there are factions weighing in on both sides of the debate, so FAA Administrator **Marion Blakey** has commissioned an advisory committee (Aviation Rulemaking Committee, or ARC) to help her make the right decision. If the decision is to change the rule, the ARC will also make recommendations on how to implement those changes.

The ARC will be co-chaired by individuals from the Air Transport Association and the Airline Pilots Association, I will serve as the responsible federal official, and other members will represent the airlines, unions, and the medical community. The plan is to complete our deliberations and provide a report to the Administrator by November 15.

In 2000, former Federal Air Surgeon **Jon Jordan** wrote, "In my tenure with the Federal Aviation Administration, I have had the opportunity to see a number of contentious issues arise, fade, and then arise again – some repeatedly. None, however, has been more contentious than the age 60 limit that is applicable to air carrier pilots."

Later in the same editorial he said, "Few people like inflexible, discretionary rules, and I am among them. Unfortunately, how to solve the problem of deterioration in performance with aging and its impact on aviation safety is an enigma. I only wish I knew the answer."¹

It looks like we may have the opportunity to find an answer to "Jon's enigma." Stay tuned.

— Fred

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¹"Age 60: An Enigma," editorial by Jon L. Jordan, MD, JD. *Federal Air Surgeon's Medical Bulletin*, spring 2000, p2. Available online at www.faa.gov/library/reports/medical/fasmb/editorials_jj/age60/